

UNITE HERE Fund Administrators

An Affiliate of Amalgamated Life

June 26, 2008

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U.S. DISTRICT COURT
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Honorable Michael H. Dolinger
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Trustees of the UNITE HERE National Health Fund, et al.
- v. - Bag Specialist, Inc. - 07 Civ. 6188 (RMB)

ENDORSED ORDER
No further extensions will
be granted. If plaintiff
cannot submit a paper
declaration by July 3, 2008,
we will severely consider
removal of
defendant.
RMB
6/26/08

Dear Judge Dolinger:

We represent the plaintiffs in the above-referenced action to collect delinquent contributions pursuant to Section 515 of ERISA. We are writing to request a brief extension to July 3, 2008 of the June 26, 2008 deadline for submission of an additional declaration in support of plaintiffs' application for damages. We find it necessary to make this request for the following reasons.

On June 1, 2008 the Court issued its Order directing plaintiffs to submit a declaration by an individual with personal knowledge explaining in detail the method of calculating damages, interest, liquidated damages and costs in this action. On June 6, 2008, the Court issued its Order directing submission of the declaration by June 13, 2008. At plaintiffs' request, the Court permitted an extension to June 26, 2008 for submission of the additional declaration and directed "no further delays should be expected."

Plaintiffs' supervisor auditor has personal knowledge of the data and calculations underlying the instant application and will be the individual submitting the supplemental declaration. He was out-of-town on a previously scheduled trip during the period June 16 – 20, 2008. Plaintiffs' counsel had anticipated completion of the supplemental declaration this week, and the supervisor auditor has worked diligently to review the data and calculations after his return to the office on June 23, but will require additional time to complete his analysis. Unfortunately and regrettably, during the same time period, a key managerial staff member on plaintiffs' counsel's team was absent on an extended sick leave. As a result, plaintiffs' counsel has been unable to work with the audit supervisor to draft his declaration in the proper format for submission to the Court.

